

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

FRITZ ELIENBERG, ESTEVE LOUIS,  
WALGENS NOEL, PAUL WADNER,  
and all others similarly situated,

Plaintiffs,

v.

RCN TELECOM SERVICES, INC.,  
et. al.,

Defendants

Civil Action No. 09-10912

PBS

**FINAL APPROVAL ORDER**

Having considered the parties' proposed class action settlement in this case and determined that it is fair, reasonable, and adequate, the Court hereby certifies this case as a class action for purposes of settlement as to the state law claims and grants final approval of the class action settlement pursuant to Fed. Rule Civ. P. 23(e). The Court also certifies this case for purposes of settlement as a collective action pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b). The Court further grants Plaintiffs' Motion for Final Class Settlement Approval; grants final approval of the Joint Stipulation of Settlement and Release of Claims; orders that Plaintiffs Elienberg, Wadner, Noel, and Wagner receive payments of four thousand five hundred dollars (\$4,500), four thousand five hundred dollars (\$4,500), two thousand five hundred dollars (\$2,500), and two thousand five hundred dollars (\$2,500), respectively for hours of work provided as named Plaintiffs; and orders that settlement funds otherwise be distributed as set forth in Joint Stipulation of Settlement and Release of Claims. Plaintiffs' claims are hereby dismissed. All cross-claims brought by Defendants RCN Telecom Services, Inc. and Defendant

RCN BecoCom, Inc. against Defendants Custom Cable Concepts and Defendant A.R.K.

Telecommunications, Inc. are hereby dismissed **WITHOUT PREJUDICE**.

ENTERED this 9 day of March, 2011.

  
The Honorable Patti B. Saris